

AMENDED IN SENATE APRIL 19, 2005

SENATE BILL

No. 318

Introduced by Senator Romero

February 16, 2005

An act to ~~amend Section 40051 of~~ *add Section 43310.2 to the* Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 318, as amended, Romero. Waste management.

The existing California Integrated Waste Management Act of 1989 requires the California Integrated Waste Management Board and local agencies to promote specified waste management practices, and to maximize the use of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal.

This bill would create within the board the Office of the Solid Waste Public Advisor to provide objective information to members of the public living adjacent to, or near, a solid waste facility that is proposed to be construed, or an existing solid waste facility that is proposed to be expanded or otherwise altered. The bill would require the board to appoint a solid waste facilities public advisor. The bill would prescribe the functions and duties of the public advisor, with respect to providing information to the public concerning proposed or existing solid waste facilities, as specified. The bill would require the board, using existing resources, to provide for the assignment of personnel and resources to the office, as provided, and to develop guidelines governing the activities of the public advisor. The bill would prohibit the public advisor from advocating in favor of, or in opposition to, any application for a solid waste permit, modification of design or operation, revised permit, appeal, or waiver.

~~This bill would also require that the board and local agencies maximize the public awareness of all feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed of by transformation and land disposal hereby creating a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 40051 of the Public Resources Code is~~
2 ~~amended to read:~~
3 ~~40051. In implementing this division, the board and local~~
4 ~~agencies shall do both of the following:~~
5 ~~(a) Promote the following waste management practices in~~
6 ~~order of priority:~~
7 ~~(1) Source reduction.~~
8 ~~(2) Recycling and composting.~~
9 ~~(3) Environmentally safe transformation and environmentally~~
10 ~~safe land disposal, at the discretion of the city or county.~~
11 ~~(b) Maximize the use and public awareness of all feasible~~
12 ~~source reduction, recycling, and composting options in order to~~
13 ~~reduce the amount of solid waste that must be disposed of by~~
14 ~~transformation and land disposal. For wastes that cannot feasibly~~
15 ~~be reduced at their source, recycled, or composted, the local~~
16 ~~agency may use environmentally safe transformation or~~
17 ~~environmentally safe land disposal, or both of those practices.~~
18 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
19 ~~Section 6 of Article XIII B of the California Constitution because~~
20 ~~a local agency or school district has the authority to levy service~~
21 ~~charges, fees, or assessments sufficient to pay for the program or~~
22 ~~level of service mandated by this act, within the meaning of~~
23 ~~Section 17556 of the Government Code.~~

SECTION 1. Section 43310.2 is added to the Public Resources Code, to read:

43310.2. (a) There is hereby created within the board the Office of the Solid Waste Public Advisor to provide objective information to members of the public living adjacent to, or near, a solid waste facility that is proposed to be constructed, or an existing solid waste facility that is proposed to be expanded or otherwise altered.

(b) The board shall appoint a solid waste facilities public advisor. The person who is appointed as the public advisor shall possess sufficient knowledge of the solid waste facilities permitting process and have the necessary qualifications to provide information to members of the public living adjacent to, or near, a proposed or an existing solid waste facility.

(c) The public advisor shall do all of the following:

(1) Operate and manage the office.

(2) Provide objective, unbiased information regarding the solid waste permitting process, including, but not limited to, opportunities for public comment on local land use planning, and local enforcement agency or board consideration of any solid waste facilities permit applications, modifications of design or operation, reviews, appeals, and waivers.

(3) Provide information to local jurisdictions, local enforcement agencies, and to solid waste facilities permit applicants regarding best practices to foster public awareness of the solid waste facility permit process.

(d) Using existing resources, the board shall provide for the assignment of personnel and resources to the office. Personnel and resources shall be provided to the office by the board at a level sufficient to ensure that objective, unbiased information is readily available to the public regarding the solid waste permitting process, including the role of local land use planning and the authority of local enforcement agencies.

(e) The board shall develop guidelines regarding the activities of the public advisor.

(f) The public advisor shall not advocate in favor of, or in opposition to, any solid waste permit application, modification of design or operation, revised permit, appeal, or waiver.

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